

HOUSE FILE _____
BY (PROPOSED HOUSE
APPROPRIATIONS SUBCOMMITTEE
ON JUSTICE SYSTEM BILL)

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1 DIVISION I
2 APPROPRIATIONS

3 Section 1. DEPARTMENT OF JUSTICE.

4 1. There is appropriated from the general fund of the state
5 to the department of justice for the fiscal year beginning July
6 1, 2011, and ending June 30, 2012, the following amounts, or
7 so much thereof as is necessary, to be used for the purposes
8 designated:

9 a. For the general office of attorney general for salaries,
10 support, maintenance, and miscellaneous purposes, including
11 the prosecuting attorneys training program, matching funds
12 for federal violence against women grant programs, victim
13 assistance grants, office of drug control policy prosecuting
14 attorney program, and odometer fraud enforcement, and for not
15 more than the following full-time equivalent positions:

16 \$ 7,292,930
17 FTEs 212.00

18 It is the intent of the general assembly that as a condition
19 of receiving the appropriation provided in this lettered
20 paragraph, the department of justice shall maintain a record
21 of the estimated time incurred representing each agency or
22 department.

23 b. For victim assistance grants:

24 \$ 2,876,400

25 The funds appropriated in this lettered paragraph shall be
26 used to provide grants to care providers providing services to
27 crime victims of domestic abuse or to crime victims of rape and
28 sexual assault.

29 The balance of the victim compensation fund established in
30 section 915.94 may be used to provide salary and support of not
31 more than 24 FTEs and to provide maintenance for the victim
32 compensation functions of the department of justice.

33 The department of justice may transfer moneys from the
34 victim compensation fund established in section 915.94 to the
35 victim assistance grant program.

1 c. For legal services for persons in poverty grants as
2 provided in section 13.34:

3 \$ 1,000,000

4 2. a. The department of justice, in submitting budget
5 estimates for the fiscal year commencing July 1, 2012, pursuant
6 to section 8.23, shall include a report of funding from sources
7 other than amounts appropriated directly from the general fund
8 of the state to the department of justice or to the office of
9 consumer advocate. These funding sources shall include but
10 are not limited to reimbursements from other state agencies,
11 commissions, boards, or similar entities, and reimbursements
12 from special funds or internal accounts within the department
13 of justice. The department of justice shall also report actual
14 reimbursements for the fiscal year commencing July 1, 2010,
15 and actual and expected reimbursements for the fiscal year
16 commencing July 1, 2011.

17 b. The department of justice shall include the report
18 required under paragraph "a", as well as information regarding
19 any revisions occurring as a result of reimbursements actually
20 received or expected at a later date, in a report to the
21 co-chairpersons and ranking members of the joint appropriations
22 subcommittee on the justice system and the legislative services
23 agency. The department of justice shall submit the report on
24 or before January 15, 2012.

25 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
26 from the department of commerce revolving fund created in
27 section 546.12 to the office of consumer advocate of the
28 department of justice for the fiscal year beginning July 1,
29 2011, and ending June 30, 2012, the following amount, or so
30 much thereof as is necessary, to be used for the purposes
31 designated:

32 For salaries, support, maintenance, miscellaneous purposes,
33 and for not more than the following full-time equivalent
34 positions:

35 \$ 3,136,163

1 FTEs 22.00

2 Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

3 1. There is appropriated from the general fund of the

4 state to the department of corrections for the fiscal year

5 beginning July 1, 2011, and ending June 30, 2012, the following

6 amounts, or so much thereof as is necessary, to be used for the

7 operation of adult correctional institutions, reimbursement

8 of counties for certain confinement costs, and federal prison

9 reimbursement, to be allocated as follows:

10 a. For the operation of the Fort Madison correctional

11 facility, including salaries, support, maintenance, and

12 miscellaneous purposes:

13 \$ 41,031,283

14 b. For the operation of the Anamosa correctional facility,

15 including salaries, support, maintenance, and miscellaneous

16 purposes:

17 \$ 31,985,974

18 c. For the operation of the Oakdale correctional facility,

19 including salaries, support, maintenance, and miscellaneous

20 purposes:

21 \$ 54,374,426

22 d. For the operation of the Newton correctional facility,

23 including salaries, support, maintenance, and miscellaneous

24 purposes:

25 \$ 25,958,757

26 e. For the operation of the Mt. Pleasant correctional

27 facility, including salaries, support, maintenance, and

28 miscellaneous purposes:

29 \$ 25,917,815

30 f. For the operation of the Rockwell City correctional

31 facility, including salaries, support, maintenance, and

32 miscellaneous purposes:

33 \$ 9,316,466

34 g. For the operation of the Clarinda correctional facility,

35 including salaries, support, maintenance, and miscellaneous

1 purposes:

2 \$ 24,639,518

3 Moneys received by the department of corrections as
4 reimbursement for services provided to the Clarinda youth
5 corporation are appropriated to the department and shall be
6 used for the purpose of operating the Clarinda correctional
7 facility.

8 h. For the operation of the Mitchellville correctional
9 facility, including salaries, support, maintenance, and
10 miscellaneous purposes:

11 \$ 15,615,374

12 i. For the operation of the Fort Dodge correctional
13 facility, including salaries, support, maintenance, and
14 miscellaneous purposes:

15 \$ 29,062,235

16 j. For reimbursement of counties for temporary confinement
17 of work release and parole violators, as provided in sections
18 901.7, 904.908, and 906.17, and for offenders confined pursuant
19 to section 904.513:

20 \$ 775,092

21 k. For federal prison reimbursement, reimbursements for
22 out-of-state placements, and miscellaneous contracts:

23 \$ 239,411

24 2. The department of corrections shall use moneys
25 appropriated in subsection 1 to continue to contract for the
26 services of a Muslim imam and a Native American spiritual
27 leader.

28 Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

29 There is appropriated from the general fund of the state to
30 the department of corrections for the fiscal year beginning
31 July 1, 2011, and ending June 30, 2012, the following amounts,
32 or so much thereof as is necessary, to be used for the purposes
33 designated:

34 1. For general administration, including salaries, support,
35 maintenance, employment of an education director to administer

1 a centralized education program for the correctional system,
2 and miscellaneous purposes:

3 \$ 4,835,542

4 a. It is the intent of the general assembly that as a
5 condition of receiving the appropriation provided in this
6 lettered paragraph the department of corrections shall not,
7 except as otherwise provided in paragraph "c", enter into a
8 new contract, unless the contract is a renewal of an existing
9 contract, for the expenditure of moneys in excess of \$100,000
10 during the fiscal year beginning July 1, 2011, for the
11 privatization of services performed by the department using
12 state employees as of July 1, 2011, or for the privatization
13 of new services by the department without prior consultation
14 with any applicable state employee organization affected
15 by the proposed new contract and prior notification of the
16 co-chairpersons and ranking members of the joint appropriations
17 subcommittee on the justice system.

18 b. It is the intent of the general assembly that each
19 lease negotiated by the department of corrections with a
20 private corporation for the purpose of providing private
21 industry employment of inmates in a correctional institution
22 shall prohibit the private corporation from utilizing inmate
23 labor for partisan political purposes for any person seeking
24 election to public office in this state and that a violation
25 of this requirement shall result in a termination of the lease
26 agreement.

27 c. It is the intent of the general assembly that as a
28 condition of receiving the appropriation provided in this
29 subsection the department of corrections shall not enter into
30 a lease or contractual agreement pursuant to section 904.809
31 with a private corporation for the use of building space for
32 the purpose of providing inmate employment without providing
33 that the terms of the lease or contract establish safeguards to
34 restrict, to the greatest extent feasible, access by inmates
35 working for the private corporation to personal identifying

1 information of citizens.

2 2. For educational programs for inmates at state penal
3 institutions:

4 \$ 2,308,109

5 a. As a condition of receiving the appropriation in this
6 subsection, the department of corrections shall transfer at
7 least \$300,000 from the canteen operating funds established
8 pursuant to section 904.310 to be used for correctional
9 educational programs funded in this subsection.

10 b. It is the intent of the general assembly that moneys
11 appropriated in this subsection shall be used solely for the
12 purpose indicated and that the moneys shall not be transferred
13 for any other purpose. In addition, it is the intent of the
14 general assembly that the department shall consult with the
15 community colleges in the areas in which the institutions are
16 located to utilize moneys appropriated in this subsection
17 to fund the high school completion, high school equivalency
18 diploma, adult literacy, and adult basic education programs in
19 a manner so as to maintain these programs at the institutions.

20 c. To maximize the funding for educational programs,
21 the department shall establish guidelines and procedures to
22 prioritize the availability of educational and vocational
23 training for inmates based upon the goal of facilitating an
24 inmate's successful release from the correctional institution.

25 d. The director of the department of corrections may
26 transfer moneys from Iowa prison industries for use in
27 educational programs for inmates.

28 e. Notwithstanding section 8.33, moneys appropriated in
29 this subsection that remain unobligated or unexpended at the
30 close of the fiscal year shall not revert but shall remain
31 available to be used only for the purposes designated in this
32 subsection until the close of the succeeding fiscal year.

33 3. For the development of the Iowa corrections offender
34 network (ICON) data system:

35 \$ 424,364

1 4. For offender mental health and substance abuse
2 treatment:
3 \$ 22,319
4 5. For viral hepatitis prevention and treatment:
5 \$ 167,881
6 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
7 SERVICES.
8 1. There is appropriated from the general fund of the state
9 to the department of corrections for the fiscal year beginning
10 July 1, 2011, and ending June 30, 2012, for salaries, support,
11 maintenance, and miscellaneous purposes, the following amounts,
12 or so much thereof as is necessary, to be allocated as follows:
13 a. For the first judicial district department of
14 correctional services:
15 \$ 12,020,098
16 b. For the second judicial district department of
17 correctional services:
18 \$ 10,336,948
19 c. For the third judicial district department of
20 correctional services:
21 \$ 5,599,765
22 d. For the fourth judicial district department of
23 correctional services:
24 \$ 5,391,355
25 e. For the fifth judicial district department of
26 correctional services, including funding for electronic
27 monitoring devices for use on a statewide basis:
28 \$ 18,742,129
29 f. For the sixth judicial district department of
30 correctional services:
31 \$ 13,112,563
32 g. For the seventh judicial district department of
33 correctional services:
34 \$ 6,492,814
35 h. For the eighth judicial district department of

1 correctional services:

2 \$ 6,731,055

3 2. Each judicial district department of correctional
4 services, within the funding available, shall continue programs
5 and plans established within that district to provide for
6 intensive supervision, sex offender treatment, diversion of
7 low-risk offenders to the least restrictive sanction available,
8 job development, and expanded use of intermediate criminal
9 sanctions.

10 3. Each judicial district department of correctional
11 services shall provide alternatives to prison consistent with
12 chapter 901B. The alternatives to prison shall ensure public
13 safety while providing maximum rehabilitation to the offender.
14 A judicial district department of correctional services may
15 also establish a day program.

16 4. The governor's office of drug control policy shall
17 consider federal grants made to the department of corrections
18 for the benefit of each of the eight judicial district
19 departments of correctional services as local government
20 grants, as defined pursuant to federal regulations.

21 5. The department of corrections shall continue to contract
22 with a judicial district department of correctional services to
23 provide for the rental of electronic monitoring equipment which
24 shall be available statewide.

25 6. A judicial district department of correctional services
26 shall accept into the facilities of the district department,
27 offenders assigned from other judicial district departments of
28 correctional services.

29 Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF
30 APPROPRIATIONS. Notwithstanding section 8.39, within
31 the moneys appropriated in this Act to the department of
32 corrections, the department may reallocate the moneys
33 appropriated and allocated as necessary to best fulfill the
34 needs of the correctional institutions, administration of
35 the department, and the judicial district departments of

1 correctional services. However, in addition to complying with
2 the requirements of sections 904.116 and 905.8 and providing
3 notice to the legislative services agency, the department
4 of corrections shall also provide notice to the department
5 of management, prior to the effective date of the revision
6 or reallocation of an appropriation made pursuant to this
7 section. The department of corrections shall not reallocate an
8 appropriation or allocation for the purpose of eliminating any
9 program.

10 Sec. 7. INTENT — REPORTS.

11 1. The department of corrections in cooperation with
12 townships, the Iowa cemetery associations, and other nonprofit
13 or governmental entities may use inmate labor during the
14 fiscal year beginning July 1, 2011, to restore or preserve
15 rural cemeteries and historical landmarks. The department in
16 cooperation with the counties may also use inmate labor to
17 clean up roads, major water sources, and other water sources
18 around the state.

19 2. On a quarterly basis the department shall provide a
20 status report regarding private-sector employment to the
21 legislative services agency beginning on July 1, 2011. The
22 report shall include the number of offenders employed in the
23 private sector, the combined number of hours worked by the
24 offenders, the total amount of allowances, and the distribution
25 of allowances pursuant to section 904.702, including any moneys
26 deposited in the general fund of the state.

27 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
28 corrections shall submit a report on electronic monitoring to
29 the general assembly, to the co-chairpersons and the ranking
30 members of the joint appropriations subcommittee on the justice
31 system, and to the legislative services agency by January
32 15, 2012. The report shall specifically address the number
33 of persons being electronically monitored and break down the
34 number of persons being electronically monitored by offense
35 committed. The report shall also include a comparison of any

1 data from the prior fiscal year with the current year.

2 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

3 1. As used in this section, unless the context otherwise
4 requires, "state agency" means the government of the state
5 of Iowa, including but not limited to all executive branch
6 departments, agencies, boards, bureaus, and commissions, the
7 judicial branch, the general assembly and all legislative
8 agencies, institutions within the purview of the state board of
9 regents, and any corporation whose primary function is to act
10 as an instrumentality of the state.

11 2. State agencies are hereby encouraged to purchase
12 products from Iowa state industries, as defined in section
13 904.802, when purchases are required and the products are
14 available from Iowa state industries. State agencies shall
15 obtain bids from Iowa state industries for purchases of
16 office furniture during the fiscal year beginning July 1,
17 2011, exceeding \$5,000 or in accordance with applicable
18 administrative rules related to purchases for the agency.

19 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from
20 the general fund of the state to the office of the state public
21 defender of the department of inspections and appeals for the
22 fiscal year beginning July 1, 2011, and ending June 30, 2012,
23 the following amounts, or so much thereof as is necessary, to
24 be allocated as follows for the purposes designated:

25 1. For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:

28	\$ 24,083,182
29	FTEs 219.00

30 2. For the fees of court-appointed attorneys for indigent
31 adults and juveniles, in accordance with section 232.141 and
32 chapter 815:

33	\$ 29,680,929
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34 Sec. 11. BOARD OF PAROLE. There is appropriated from the
35 general fund of the state to the board of parole for the fiscal

1 year beginning July 1, 2011, and ending June 30, 2012, the
 2 following amount, or so much thereof as is necessary, to be
 3 used for the purposes designated:

4 For salaries, support, maintenance, miscellaneous purposes,
 5 and for not more than the following full-time equivalent
 6 positions:

7	\$	1,053,835
8	FTEs	12.50

9 Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is
 10 appropriated from the general fund of the state to the
 11 department of public defense for the fiscal year beginning July
 12 1, 2011, and ending June 30, 2012, the following amounts, or
 13 so much thereof as is necessary, to be used for the purposes
 14 designated:

15 1. MILITARY DIVISION

16 For salaries, support, maintenance, miscellaneous purposes,
 17 and for not more than the following full-time equivalent
 18 positions:

19	\$	5,527,042
20	FTEs	313.00

21 The military division may temporarily exceed and draw more
 22 than the amount appropriated in this subsection and incur a
 23 negative cash balance as long as there are receivables of
 24 federal funds equal to or greater than the negative balance and
 25 the amount appropriated in this subsection is not exceeded at
 26 the close of the fiscal year.

27 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

28 For salaries, support, maintenance, miscellaneous purposes,
 29 and for not more than the following full-time equivalent
 30 positions:

31	\$	1,836,877
32	FTEs	40.00

33 a. The homeland security and emergency management
 34 division may temporarily exceed and draw more than the amount
 35 appropriated in this subsection and incur a negative cash

1 balance as long as there are receivables of federal funds
2 equal to or greater than the negative balance and the amount
3 appropriated in this subsection is not exceeded at the close
4 of the fiscal year.

5 b. It is the intent of the general assembly that the
6 homeland security and emergency management division work in
7 conjunction with the department of public safety, to the extent
8 possible, when gathering and analyzing information related
9 to potential domestic or foreign security threats, and when
10 monitoring such threats.

11 Sec. 13. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
12 from the general fund of the state to the department of public
13 safety for the fiscal year beginning July 1, 2011, and ending
14 June 30, 2012, the following amounts, or so much thereof as is
15 necessary, to be used for the purposes designated:

16 1. For the department's administrative functions, including
17 the criminal justice information system, and for not more than
18 the following full-time equivalent positions:

19 \$ 4,007,075
20 FTEs 36.00

21 2. For the division of criminal investigation, including
22 the state's contribution to the peace officers' retirement,
23 accident, and disability system provided in chapter 97A in the
24 amount of the state's normal contribution rate, as defined in
25 section 97A.8, multiplied by the salaries for which the funds
26 are appropriated, to meet federal fund matching requirements,
27 and for not more than the following full-time equivalent
28 positions:

29 \$ 12,533,931
30 FTEs 159.10

31 The department shall employ one additional special agent and
32 one additional criminalist for the purpose of investigating
33 cold cases. Prior to employing the additional special agent
34 and criminalist authorized in this paragraph, the department
35 shall provide a written statement to prospective employees that

1 states to the effect that the positions are being funded by a
 2 temporary federal grant and there are no assurances that funds
 3 from other sources will be available after the federal funding
 4 expires. If the federal funding for the additional positions
 5 expires during the fiscal year, the number of full-time
 6 equivalent positions authorized in this subsection is reduced
 7 by 2.00 FTEs.

8 3. For the criminalistics laboratory fund created in
 9 section 691.9:

10 \$ 302,345

11 4. a. For the division of narcotics enforcement, including
 12 the state's contribution to the peace officers' retirement,
 13 accident, and disability system provided in chapter 97A in the
 14 amount of the state's normal contribution rate, as defined in
 15 section 97A.8, multiplied by the salaries for which the funds
 16 are appropriated, to meet federal fund matching requirements,
 17 and for not more than the following full-time equivalent
 18 positions:

19 \$ 6,429,884

20 FTEs 74.00

21 b. For the division of narcotics enforcement for undercover
 22 purchases:

23 \$ 109,042

24 5. For the division of state fire marshal, for fire
 25 protection services as provided through the state fire service
 26 and emergency response council as created in the department,
 27 and for the state's contribution to the peace officers'
 28 retirement, accident, and disability system provided in chapter
 29 97A in the amount of the state's normal contribution rate, as
 30 defined in section 97A.8, multiplied by the salaries for which
 31 the funds are appropriated, and for not more than the following
 32 full-time equivalent positions:

33 \$ 4,298,707

34 FTEs 55.00

35 6. For the division of state patrol, for salaries, support,

1 maintenance, workers' compensation costs, and miscellaneous
 2 purposes, including the state's contribution to the peace
 3 officers' retirement, accident, and disability system provided
 4 in chapter 97A in the amount of the state's normal contribution
 5 rate, as defined in section 97A.8, multiplied by the salaries
 6 for which the funds are appropriated, and for not more than the
 7 following full-time equivalent positions:

8 \$ 51,903,233
 9 FTEs 513.00

10 It is the intent of the general assembly that members of the
 11 state patrol be assigned to patrol the highways and roads in
 12 lieu of assignments for inspecting school buses for the school
 13 districts.

14 7. For deposit in the sick leave benefits fund established
 15 under section 80.42 for all departmental employees eligible to
 16 receive benefits for accrued sick leave under the collective
 17 bargaining agreement:

18 \$ 279,517

19 8. For costs associated with the training and equipment
 20 needs of volunteer fire fighters:

21 \$ 575,520

22 a. Notwithstanding section 8.33, moneys appropriated in
 23 this subsection that remain unencumbered or unobligated at the
 24 close of the fiscal year shall not revert but shall remain
 25 available for expenditure only for the purpose designated in
 26 this subsection until the close of the succeeding fiscal year.

27 b. Notwithstanding section 8.39, within the moneys
 28 appropriated in this section, the department of public safety
 29 may reallocate moneys as necessary to best fulfill the needs
 30 provided for in the appropriation. However, the department
 31 shall not reallocate an appropriation made to the department
 32 in this section unless notice of the reallocation is given
 33 to the legislative services agency and the department of
 34 management prior to the effective date of the reallocation.
 35 The notice shall include information regarding the rationale

1 for reallocating the appropriation. The department shall
 2 not reallocate an appropriation made in this section for the
 3 purpose of eliminating any program.

4 9. For the law enforcement training council, if enacted by
 5 this Act, for salaries, support, maintenance, miscellaneous
 6 purposes, and for not more than the following full-time
 7 equivalent positions:

8	\$	398,500
9	FTEs	3.00

10 Sec. 14. GAMING ENFORCEMENT.

11 1. There is appropriated from the gaming enforcement
 12 revolving fund created in section 80.43 to the department of
 13 public safety for the fiscal year beginning July 1, 2011, and
 14 ending June 30, 2012, the following amount, or so much thereof
 15 as is necessary, to be used for the purposes designated:

16 For any direct and indirect support costs for agents
 17 and officers of the division of criminal investigation's
 18 excursion gambling boat, gambling structure, and racetrack
 19 enclosure enforcement activities, including salaries, support,
 20 maintenance, miscellaneous purposes, and for not more than the
 21 following full-time equivalent positions:

22	\$	9,836,306
23	FTEs	120.00

24 2. For each additional license to conduct gambling games on
 25 an excursion gambling boat, gambling structure, or racetrack
 26 enclosure issued during the fiscal year beginning July 1, 2011,
 27 there is appropriated from the gaming enforcement fund to the
 28 department of public safety for the fiscal year beginning July
 29 1, 2011, and ending June 30, 2012, an additional amount of not
 30 more than \$521,000 to be used for not more than 6.00 additional
 31 full-time equivalent positions.

32 3. The department of public safety, with the approval
 33 of the department of management, may employ no more than two
 34 special agents and four gaming enforcement officers for each
 35 additional riverboat or gambling structure regulated after July

1 1, 2011, and one special agent for each racing facility which
 2 becomes operational during the fiscal year which begins July 1,
 3 2011. One additional gaming enforcement officer, up to a total
 4 of four per riverboat or gambling structure, may be employed
 5 for each riverboat or gambling structure that has extended
 6 operations to 24 hours and has not previously operated with a
 7 24-hour schedule. Positions authorized in this subsection are
 8 in addition to the full-time equivalent positions otherwise
 9 authorized in this section.

10 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
 11 from the general fund of the state to the Iowa state civil
 12 rights commission for the fiscal year beginning July 1,
 13 2011, and ending June 30, 2012, the following amount, or so
 14 much thereof as is necessary, to be used for the purposes
 15 designated:

16 For salaries, support, maintenance, miscellaneous purposes,
 17 and for not more than the following full-time equivalent
 18 positions:

19	\$	1,297,069
20	FTEs	28.00

21 The Iowa state civil rights commission may enter into
 22 a contract with a nonprofit organization to provide legal
 23 assistance to resolve civil rights complaints.

24 Sec. 16. 2009 Iowa Acts, chapter 178, section 20, is amended
 25 to read as follows:

26 SEC. 20. CONSUMER EDUCATION AND LITIGATION

27 FUND. Notwithstanding section 714.16C, for each fiscal
 28 year of the period beginning July 1, 2008, and ending June
 29 30, ~~2011~~ 2013, the annual appropriations in section 714.16C,
 30 are increased from \$1,125,000 to \$1,875,000, and \$75,000 to
 31 \$125,000 respectively. Moneys appropriated from the consumer
 32 education and litigation fund may be allocated for cash flow
 33 purposes to the victim compensation fund established in section
 34 915.94 during each of the fiscal years enumerated, provided
 35 that any moneys so allocated are returned to the consumer

1 education and litigation fund by the end of each fiscal year an
2 allocation occurs.

3 Sec. 17. IOWA COMMUNICATIONS NETWORK. It is the
4 intent of the general assembly that the executive branch
5 agencies receiving an appropriation in this Act utilize
6 the Iowa communications network or secure other electronic
7 communications in lieu of traveling for the fiscal year
8 addressed by the appropriations.

9 Sec. 18. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
10 DIVISION. There is appropriated from the wireless E911
11 emergency communications fund created in section 34A.7A to the
12 administrator of the homeland security and emergency management
13 division of the department of public defense for the fiscal
14 year beginning July 1, 2011, and ending June 30, 2012, an
15 amount not exceeding \$200,000 to be used for implementation,
16 support, and maintenance of the functions of the administrator
17 and program manager under chapter 34A and to employ the auditor
18 of the state to perform an annual audit of the wireless E911
19 emergency communications fund.

20 DIVISION II

21 CREATION OF LAW ENFORCEMENT TRAINING COUNCIL

22 Sec. 19. Section 7E.5, subsection 2, paragraph a, Code 2011,
23 is amended to read as follows:

24 a. There is a civil rights commission, a public employment
25 relations board, an interstate cooperation commission, an
26 ethics and campaign disclosure board, and ~~an Iowa~~ a law
27 enforcement academy training council.

28 Sec. 20. Section 80.1A, Code 2011, is amended by adding the
29 following new subsections:

30 NEW SUBSECTION. 05. "*Law enforcement officer*" means an
31 officer appointed by the director of the department of natural
32 resources, a member of a police force or other agency or
33 department of the state, county, city, or tribal government
34 regularly employed as such and who is responsible for the
35 prevention and detection of crime and the enforcement of the

1 criminal laws of this state and all individuals, as determined
2 by the council, who by the nature of their duties may be
3 required to perform the duties of a peace officer.

4 NEW SUBSECTION. 6. "*Telecommunicator*" means a person who
5 receives requests for, or dispatches requests to, emergency
6 response agencies which include but are not limited to law
7 enforcement, fire, rescue, and emergency medical services
8 agencies.

9 Sec. 21. Section 80.11, Code 2011, is amended to read as
10 follows:

11 **80.11 Course of instruction.**

12 The course of instruction for peace officers of the
13 department shall, at a minimum, be equal to the course of
14 instruction required by the ~~Iowa law enforcement academy~~
15 pursuant to chapter 80B a law enforcement training school as
16 provided in chapter 260D.

17 Sec. 22. NEW SECTION. **80.44 Law enforcement training**
18 **council.**

19 1. The law enforcement training council is created
20 within the department which shall consist of the following
21 seven voting members appointed by the governor subject to
22 confirmation by the senate to terms of four years commencing
23 as provided in section 69.19:

24 a. Three residents of the state.

25 b. A sheriff of a county.

26 c. A police officer who is a member of a police department
27 of a city with a population larger than fifty thousand persons.

28 d. A police officer who is a member of a police department
29 of a city with a population of less than fifty thousand
30 persons.

31 e. A member of the department of public safety.

32 2. One senator appointed by the majority leader of the
33 senate, one senator appointed by the minority leader of the
34 senate, one representative appointed by the speaker of the
35 house of representatives, and one representative appointed by

1 the minority leader of the house of representatives are also ex
2 officio, nonvoting members of the council who shall serve terms
3 as provided in section 69.16B.

4 3. In the event a member appointed pursuant to this section
5 is unable to complete a term, the vacancy shall be filled
6 for the unexpired term in the same manner as the original
7 appointment.

8 Sec. 23. NEW SECTION. 80.45 **Officers of training council.**

9 The training council shall elect from its membership a
10 chairperson and a vice chairperson each of whom shall serve for
11 a term of one year and who may be reelected. Membership on
12 the council shall not constitute holding a public office and
13 members of the council shall not be required to take and file
14 oaths of office before serving on the council. A member of
15 the council shall not be disqualified from holding any public
16 office or employment by reason of appointment or membership
17 on the council, and a member shall not forfeit any such
18 office or employment by reason of appointment to the council,
19 notwithstanding the provisions of any general, special or local
20 law, ordinance or city charter.

21 Sec. 24. NEW SECTION. 80.46 **Training council —**
22 **compensation and expenses.**

23 The members of the training council, who are not employees
24 of the state or a political subdivision, shall be paid a per
25 diem as specified in section 7E.6. All members of the council
26 shall be reimbursed for necessary and actual expenses incurred
27 in attending meetings and in the performance of their duties.
28 All per diem and expense moneys paid to nonlegislative members
29 shall be paid from funds appropriated to the department.
30 Legislative members of the council shall receive payment
31 pursuant to sections 2.10 and 2.12.

32 Sec. 25. NEW SECTION. 80.47 **Training council — meetings.**

33 The training council shall meet at least four times each year
34 and shall hold special meetings when called by the chairperson
35 or, in the absence of the chairperson, by the vice chairperson,

1 or by the chairperson upon written request of five members
2 of the council. The council shall establish procedures and
3 requirements with respect to quorum, place, and conduct of
4 meetings.

5 Sec. 26. NEW SECTION. **80.48 Training council — annual**
6 **report.**

7 The training council shall make an annual report to the
8 governor, the attorney general, and the commissioner of
9 public safety which shall include pertinent data regarding
10 the standards established and the degree of participation of
11 agencies in the law enforcement training schools.

12 Sec. 27. NEW SECTION. **80.49 Training council — rules.**

13 1. The commissioner, subject to the approval of the council,
14 shall adopt rules in accordance with the provisions of this
15 chapter and chapter 17A, giving due consideration to varying
16 factors and special requirements of law enforcement agencies
17 relative to the following:

18 a. Minimum entrance requirements, course of study,
19 attendance requirements, and equipment and facilities required
20 at approved law enforcement training schools. The minimum
21 age requirement for entrance to approved law enforcement
22 training schools shall be eighteen years of age. The minimum
23 course of study requirements shall include a separate domestic
24 abuse curriculum, which may include but is not limited to
25 outside speakers from domestic abuse shelters and crime
26 victim assistance organizations. The minimum course of study
27 requirements shall also include a sexual assault curriculum.

28 b. Minimum basic training requirements a law enforcement
29 officer employed after July 1, 1968, must complete in order to
30 remain eligible for continued employment and the time within
31 which such basic training must be completed. The minimum
32 requirements shall mandate training devoted to the topic of
33 domestic abuse and sexual assault. The training council shall
34 submit an annual report to the general assembly by January 15
35 of each year relating to the continuing education requirements

1 devoted to the topic of domestic abuse, including the number
2 of hours required, the substance of the classes offered, and
3 other related matters.

4 *c.* (1) Categories or classifications of advanced in-service
5 training programs and minimum courses of study and attendance
6 requirements for such categories or classifications.

7 (2) In-service training under this paragraph "*c*" shall
8 include the requirement that all law enforcement officers
9 complete a course on investigation, identification, and
10 reporting of public offenses based on the race, color,
11 religion, ancestry, national origin, political affiliation,
12 sex, sexual orientation, age, or disability of the victim. The
13 commissioner shall consult with the civil rights commission,
14 the department, and the prosecuting attorneys training
15 coordinator in developing the requirements for this course and
16 may contract with outside providers for this course.

17 *d.* Within the existing curriculum, expanded training
18 regarding racial and cultural awareness and dealing with
19 gang-affected youth.

20 *e.* Training standards on the subject of human trafficking,
21 to include curricula on cultural sensitivity and the means to
22 deal effectively and appropriately with trafficking victims.
23 Such training shall encourage law enforcement personnel to
24 communicate in the language of the trafficking victims. The
25 course of instruction and training standards shall be developed
26 by the commissioner in consultation with the appropriate
27 national and state experts in the field of human trafficking.

28 *f.* Minimum standards of physical, educational, and moral
29 fitness which shall govern the recruitment, selection, and
30 appointment of law enforcement officers.

31 *g.* Minimum standards of mental fitness which shall govern
32 the initial recruitment, selection, and appointment of law
33 enforcement officers. The rules shall include but are not
34 limited to providing a battery of psychological tests to
35 determine cognitive skills, personality characteristics, and

1 suitability of an applicant for a law enforcement career.
2 However, this battery of tests need only be given to applicants
3 being considered in the final selection process for a law
4 enforcement position. Notwithstanding any provision of
5 chapter 400, an applicant shall not be hired if the employer
6 determines from the tests that the applicant does not possess
7 sufficient cognitive skills, personality characteristics, or
8 suitability for a law enforcement career. The commissioner
9 shall provide for the cognitive and psychological examinations
10 and their administration to the law enforcement agencies or
11 applicants, and shall identify and hire persons to interpret
12 the examinations.

13 *h.* Grounds for revocation or suspension of a law enforcement
14 officer's certification.

15 *i.* Exemptions from particular provisions in case of any
16 state, county, or city, if, in the opinion of the training
17 council, the standards of law enforcement training established
18 and maintained by the governmental agency are as high or
19 higher than those established pursuant to this chapter; or
20 revocation in whole or in part of such exemption, if in its
21 opinion the standards of law enforcement training established
22 and maintained by the governmental agency are lower than those
23 established pursuant to this chapter.

24 *j.* Minimum qualifications for instructors in
25 telecommunicator training schools.

26 *k.* Minimum qualifications for instructors in law enforcement
27 and jailer training schools.

28 *1.* Certification through examination for individuals who
29 have successfully completed the federal bureau of investigation
30 national academy, have corrected Snellen vision in both eyes
31 of 20/20 or better, and were employed on or before January
32 1, 1996, as chief of police of a city in this state with a
33 population of twenty thousand or more.

34 *2.* A certified course of instruction provided for under this
35 section shall not be eliminated by the law enforcement council.

1 Sec. 28. NEW SECTION. 80.50 Authority of law enforcement
2 training council.

3 The council may do all of the following:

- 4 1. Designate members to visit and inspect any law
5 enforcement or jailer training schools, or examine the
6 curriculum or training procedures, for which application for
7 approval has been made.
- 8 2. Issue certificates to law enforcement training schools
9 qualifying under the regulations of the council.
- 10 3. Issue certificates to law enforcement officers and
11 jailers who have met the requirements of this chapter and rules
12 adopted under chapter 17A relative to hiring and training
13 standards.
- 14 4. Make recommendations to the governor, the attorney
15 general, the commissioner, and the general assembly on matters
16 pertaining to qualification and training of law enforcement
17 officers and jailers and other matters considered necessary to
18 improve law enforcement services and jailer training.
- 19 5. Cooperate with federal, state, and local enforcement
20 agencies in establishing and conducting local or area schools,
21 or regional training centers for instruction and training of
22 law enforcement officers and jailers.
- 23 6. Direct research in the field of law enforcement and
24 jailer training and accept grants for such purposes.
- 25 7. *a.* Revoke a law enforcement officer's certification
26 for the conviction of a felony or revoke or suspend a law
27 enforcement officer's certification for a violation of rules
28 adopted pursuant to section 80.49, subsection 1, paragraph "h".
29 In addition, the council may consider revocation or suspension
30 proceedings when an employing agency recommends to the council
31 that revocation or suspension would be appropriate with regard
32 to a current or former employee. If a law enforcement officer
33 resigns, the employing agency shall notify the council that an
34 officer has resigned and state the reason for the resignation
35 if a substantial likelihood exists that the reason would result

1 in the revocation or suspension of an officer's certification
2 for a violation of the rules.

3 **b.** A recommendation by an employing agency must be in
4 writing and set forth the reasons why the action is being
5 recommended, the findings of the employing agency concerning
6 the matter, the action taken by the employing agency, and that
7 the action by the agency is final. "*Final*", as used in this
8 section, means that all appeals through a grievance procedure
9 available to the officer or civil service have been exhausted.
10 The written recommendations shall be unavailable for inspection
11 by anyone except personnel of the employing agency, the council
12 and the affected law enforcement officer, or as ordered by a
13 reviewing court.

14 **c.** The council shall establish a process for the protest
15 and appeal of a revocation or suspension made pursuant to this
16 subsection.

17 8. In accordance with chapter 17A, conduct investigations,
18 hold hearings, appoint hearing examiners, administer oaths
19 and issue subpoenas enforceable in district court on matters
20 relating to the revocation or suspension of a law enforcement
21 officer's certification.

22 9. Secure the assistance of the state division of criminal
23 investigation in the investigation of alleged violations, as
24 provided under section 80.9A, subsection 6, paragraphs "*c*" and
25 "*g*", of the provisions adopted under section 80.49.

26 Sec. 29. NEW SECTION. 80.51 Training council —
27 telecommunicator training standards.

28 The commissioner, subject to the approval of the law
29 enforcement training council, in consultation with the Iowa
30 state sheriffs' and deputies' association, the Iowa police
31 executive forum, the Iowa association of chiefs of police and
32 peace officers, the Iowa state police association, the Iowa
33 association of professional fire fighters, the Iowa emergency
34 medical services association, the joint council of Iowa fire
35 service organizations, the Iowa chapter of the association of

1 public safety communications officials-international, inc., the
2 Iowa chapter of the national emergency number association, the
3 homeland security and emergency management division of the Iowa
4 department of public defense, and the Iowa department of public
5 health, shall adopt rules pursuant to chapter 17A establishing
6 minimum standards and fees for training of telecommunicators.

7 Sec. 30. Section 80D.1A, subsections 1 and 2, Code 2011, are
8 amended to read as follows:

9 ~~1. "Academy" means the Iowa law enforcement academy.~~

10 ~~2. 1. "Council" means the Iowa law enforcement academy~~
11 ~~training council.~~

12 Sec. 31. Section 80D.3, subsection 3, paragraph a, Code
13 2011, is amended to read as follows:

14 a. A person appointed to serve as a reserve peace officer
15 who has received basic training as a peace officer and has
16 been certified by the ~~academy~~ a law enforcement training
17 school pursuant to chapter ~~80B~~ 260D and rules adopted pursuant
18 to ~~chapter 80B~~ chapters 80 and 260D may be exempted from
19 completing the minimum training course at the discretion of
20 the appointing authority. However, such a person appointed
21 to serve as a reserve peace officer shall meet mandatory
22 in-service training requirements established by academy rules
23 if the person has not served as an active peace officer within
24 one hundred eighty days of appointment as a reserve peace
25 officer.

26 Sec. 32. Section 80D.7, Code 2011, is amended to read as
27 follows:

28 **80D.7 Carrying weapons.**

29 A member of a reserve force shall not carry a weapon in
30 the line of duty until the member has been approved by the
31 governing body and certified by the ~~Iowa~~ law enforcement
32 ~~academy~~ training council to carry weapons. After approval and
33 certification, a reserve peace officer may carry a weapon in
34 the line of duty only when authorized by the chief of police,
35 sheriff, commissioner of public safety or the commissioner's

1 designee, or director of the judicial district department of
2 correctional services or the director's designee, as the case
3 may be.

4 Sec. 33. Section 80F.1, subsection 1, paragraph e, Code
5 2011, is amended to read as follows:

6 e. "Officer" means a certified law enforcement officer, fire
7 fighter, emergency medical technician, corrections officer,
8 detention officer, jailer, probation or parole officer,
9 communications officer, or any other law enforcement officer
10 certified by the ~~Iowa~~ law enforcement ~~academy~~ training council
11 and employed by a municipality, county, or state agency.

12 Sec. 34. Section 97B.49B, subsection 1, paragraph e,
13 subparagraph (9), Code 2011, is amended to read as follows:

14 (9) A jailer or detention officer who performs duties as
15 a jailer, including but not limited to the transportation of
16 inmates, who is certified as having completed jailer training
17 pursuant to chapter ~~80B~~ 904, and who is employed by a county as
18 a jailer.

19 Sec. 35. Section 200.17A, subsection 4, Code 2011, is
20 amended to read as follows:

21 4. The department, a law enforcement officer as defined
22 in section ~~80B.3~~ 80.1A, or an agent of the United States
23 department of justice may examine and photocopy the record
24 during regular business hours.

25 Sec. 36. Section 232.69, subsection 3, paragraph d,
26 subparagraph (3), Code 2011, is amended to read as follows:

27 (3) A training program using such an approved curriculum
28 offered by the department of human services, the department of
29 education, an area education agency, a school district, ~~the~~
30 ~~Iowa~~ a law enforcement academy training school, or a similar
31 public agency.

32 Sec. 37. Section 235B.16, subsection 5, paragraph d,
33 subparagraph (3), Code 2011, is amended to read as follows:

34 (3) A training program using such an approved curriculum
35 offered by the department of human services, the department on

1 aging, the department of inspections and appeals, ~~the Iowa a~~
2 law enforcement ~~academy~~ training school, or a similar public
3 agency.

4 Sec. 38. NEW SECTION. 260D.1 Purpose of law enforcement
5 training schools.

6 In order to maximize training opportunities for law
7 enforcement officers throughout the state it is the intent of
8 the legislature to authorize the creation of law enforcement
9 training schools in the community colleges under the
10 coordination and direction of the law enforcement training
11 council created in section 80.44.

12 Sec. 39. NEW SECTION. 260D.1A Definition.

13 As used in this chapter "*law enforcement officer*" means the
14 same as defined in section 80.1A.

15 Sec. 40. NEW SECTION. 260D.2 Authorization of law
16 enforcement training schools.

17 Each community college is authorized to create a law
18 enforcement training school for the certification of a law
19 enforcement officer in order to serve the best interests of
20 the state and in carrying out the intent and purpose of this
21 chapter.

22 Sec. 41. NEW SECTION. 260D.3 Examination and attendance
23 fees — training cost.

24 1. The full cost of providing cognitive and psychological
25 examinations of law enforcement officer candidates may be
26 charged by a law enforcement training school.

27 2. A law enforcement training school shall charge to the
28 following entities the following costs to provide the basic
29 training course which is designed to meet the minimum basic
30 training requirements for a law enforcement officer:

31 a. To the department of natural resources and the department
32 of transportation, the total cost.

33 b. To a candidate from any other state agency or department
34 of the state, the total cost. The candidate and the agency or
35 department may negotiate the portion of the total cost each

1 must pay.

2 *c.* For a candidate sponsored by a political subdivision
3 and hired by the political subdivision, the total cost. The
4 candidate and the political subdivision may negotiate the
5 portion of the total cost each must pay.

6 *d.* For all other candidates, including a candidate from a
7 tribal government, to the candidate the total costs.

8 Sec. 42. NEW SECTION. **260D.4 Training.**

9 1. An individual who is not a certified law enforcement
10 officer may apply for attendance at a short course of study at
11 an approved law enforcement training school if such individual
12 is sponsored by a law enforcement agency. Such individual may
13 be sponsored by a law enforcement agency that either intends to
14 hire or has hired the individual as a law enforcement officer.

15 2. An individual who submits an application pursuant to
16 subsection 1 shall, at a minimum, meet all minimum hiring
17 standards as established by the law enforcement training
18 council rules, including the successful completion of certain
19 psychological and physical testing examinations. In addition,
20 such individual shall be of good moral character as determined
21 by a thorough background investigation by the hiring law
22 enforcement agency. The law enforcement training school shall
23 conduct the requisite testing and background investigation for
24 a fee if the law enforcement agency does not do so, and for
25 such purposes, the law enforcement school shall be defined as a
26 law enforcement agency and shall have the authority to conduct
27 a background investigation including a fingerprint search of
28 local, state, and national fingerprint files.

29 3. An individual who submits an application pursuant to
30 subsection 1 shall, at a minimum, submit proof of successful
31 completion of a two-year or four-year police science or
32 criminal justice program at an accredited educational
33 institution in this state approved by the law enforcement
34 training council.

35 4. An individual shall not be granted permission to

1 attend an approved law enforcement training school pursuant
2 to subsection 1 if such acceptance would result in the
3 nonacceptance of another qualifying applicant who is a law
4 enforcement officer.

5 5. This section applies only to individuals who apply for
6 certification through a short course of study as established
7 by rule.

8 6. An individual who has not been hired by a law enforcement
9 agency must be hired by a law enforcement agency within
10 eighteen months of completing the short course of study in
11 order to obtain certification pursuant to this section.

12 Sec. 43. NEW SECTION. 260D.5 Law enforcement training —
13 application by individual — individual expense.

14 1. Notwithstanding any other provision of law to the
15 contrary, an individual who is not a certified law enforcement
16 officer may apply for attendance at a law enforcement training
17 school if such individual is sponsored by a law enforcement
18 agency that either intends to hire or has hired the individual
19 as a law enforcement officer on the condition that the
20 individual meets the minimum eligibility standards described in
21 subsection 2. The costs for attendance by such an individual
22 at the law enforcement training school shall be paid as
23 provided in section 260D.3.

24 2. An individual who submits an application pursuant to
25 subsection 1 shall, at a minimum, meet all minimum hiring
26 standards as established by law enforcement training council
27 rules, including the successful completion of certain
28 psychological and physical testing examinations. In addition,
29 such individual shall be of good moral character as determined
30 by a thorough background investigation by the law enforcement
31 training school for a fee. For such purposes, the law
32 enforcement training school shall have the authority to conduct
33 a background investigation of the individual, including a
34 fingerprint search of local, state, and national fingerprint
35 files.

1 3. An individual shall not be granted permission to attend a
2 law enforcement training school if such acceptance would result
3 in the nonacceptance of another qualifying applicant who is a
4 law enforcement officer.

5 4. An individual who has not been hired by a law enforcement
6 agency must be hired by a law enforcement agency within
7 eighteen months of completing the appropriate coursework
8 at the law enforcement training school in order to obtain
9 certification pursuant to chapter 80.

10 Sec. 44. NEW SECTION. **260D.6 Law enforcement officer —**
11 **tribal government.**

12 A law enforcement officer who is a member of a police force
13 of a tribal government and who becomes certified through
14 a law enforcement training school shall be subject to the
15 certification and revocation of certification rules and
16 procedures as provided in this chapter. The certified law
17 enforcement officer shall be subject to the jurisdiction of the
18 courts of this state if an agreement exists between the tribal
19 government and the state or between the tribal government
20 and a county, which grants authority to the law enforcement
21 officer to act in a law enforcement capacity off a settlement
22 or reservation.

23 Sec. 45. Section 262.13, Code 2011, is amended to read as
24 follows:

25 **262.13 Security officers at institutions as peace officers.**

26 The board may authorize any institution under its control
27 to commission one or more of its employees as special security
28 officers. Special security officers shall have the powers,
29 privileges, and immunities of regular peace officers when
30 acting in the interests of the institution by which they are
31 employed. The board shall provide as rapidly as practicable
32 for the adequate training of such special security officers at
33 ~~the Iowa~~ a law enforcement academy training school or in an
34 equivalent training program, unless they have already received
35 such training.

1 Sec. 46. Section 321.52, subsection 4, paragraph c, Code
2 2011, is amended to read as follows:
3 c. A salvage theft examination shall be made by a peace
4 officer who has been specially certified and recertified when
5 required by the ~~Iowa~~ law enforcement ~~academy~~ training council
6 to do salvage theft examinations. The ~~Iowa~~ law enforcement
7 ~~academy~~ training council shall determine standards for
8 training and certification, conduct training, and may approve
9 alternative training programs which satisfy the ~~academy's~~
10 council's standards for training and certification. The owner
11 of the salvage vehicle shall make the vehicle available for
12 examination at a time and location designated by the peace
13 officer doing the examination. The owner may obtain a permit
14 to drive the vehicle to and from the examination location by
15 submitting a repair affidavit to the agency performing the
16 examination stating that the vehicle is reasonably safe for
17 operation and listing the repairs which have been made to the
18 vehicle. The owner must be present for the examination and
19 have available for inspection the salvage title, bills of
20 sale for all essential parts changed, if applicable, and the
21 repair affidavit. The examination shall be for the purposes
22 of determining whether the vehicle or repair components have
23 been stolen. The examination is not a safety inspection and
24 a signed salvage theft examination certificate shall not be
25 construed by any court of law to be a certification that the
26 vehicle is safe to be operated. There shall be no cause of
27 action against the peace officer or the agency conducting
28 the examination or the county treasurer for failure to
29 discover or note safety defects. If the vehicle passes the
30 theft examination, the peace officer shall indicate that the
31 vehicle passed examination on the salvage theft examination
32 certificate. The permit and salvage theft examination
33 certificate shall be on controlled forms prescribed and
34 furnished by the department. The owner shall pay a fee of
35 thirty dollars upon completion of the examination. The agency

1 performing the examinations shall retain twenty dollars of the
2 fee and shall pay five dollars of the fee to the department
3 and five dollars of the fee to the treasurer of state for
4 deposit in the general fund of the state. Moneys deposited
5 to the general fund under this paragraph are subject to the
6 requirements of section 8.60 and shall be used by the Iowa
7 law enforcement ~~academy~~ council to provide for the special
8 training, certification, and recertification of officers as
9 required by this subsection.

10 Sec. 47. Section 321.267A, subsection 4, Code 2011, is
11 amended to read as follows:

12 4. For the purposes of this section, "*certified law*
13 *enforcement officer*" includes a law enforcement officer who is
14 certified through ~~the Iowa~~ a law enforcement academy training
15 school under chapter 260D as provided in section ~~80B.13~~ 80.50,
16 subsection 3, or a reserve peace officer certified through ~~the~~
17 ~~Iowa~~ a law enforcement academy training school under chapter
18 206D as provided in section 80D.4A.

19 Sec. 48. Section 331.651, subsection 2, paragraph c, Code
20 2011, is amended to read as follows:

21 c. Be a certified peace officer recognized by the ~~Iowa~~ law
22 enforcement ~~academy~~ training council under chapter ~~80B~~ 80,
23 or complete the basic training course provided ~~at the Iowa~~
24 ~~law enforcement academy's central training facility~~ by a law
25 enforcement training school under chapter 260D, or a location
26 other than the central training facility within one year of
27 taking office. A person shall be deemed to have completed
28 the basic training course if the person meets all course
29 requirements except the physical training requirements.

30 Sec. 49. Section 321J.1, subsection 8, paragraph e, Code
31 2011, is amended to read as follows:

32 e. Any other law enforcement officer who has satisfactorily
33 completed an approved course relating to motor vehicle
34 operators under the influence of alcoholic beverages at ~~the~~
35 ~~Iowa~~ a law enforcement academy training school or a other law

1 enforcement training program approved by the department of
2 public safety.

3 Sec. 50. Section 341A.6, subsection 2, Code 2011, is amended
4 to read as follows:

5 2. To administer practical tests designed to determine
6 the ability of persons examined to perform the duties of the
7 position for which they are seeking appointment. Such tests
8 shall be designed and prepared by the ~~director of the Iowa~~
9 ~~law enforcement academy~~ commissioner of the department of
10 public safety, shall be administered by each commission in
11 a uniform manner prescribed by the ~~director~~ commissioner of
12 the department of public safety, and shall be consistent with
13 standards established pursuant to ~~chapter 80B~~ chapters 80 and
14 260D governing standards for employment of Iowa law enforcement
15 officers. Notice of such tests shall be posted in the office
16 of the sheriff and the office of the board of supervisors not
17 less than thirty days prior to giving such tests.

18 Sec. 51. Section 341A.10, Code 2011, is amended to read as
19 follows:

20 **341A.10 Citizenship.**

21 An applicant for any position under civil service shall be a
22 citizen of the United States who can read and write the English
23 language, and shall meet the minimum requirements of ~~the Iowa a~~
24 ~~law enforcement academy~~ training council for a law enforcement
25 officer.

26 Sec. 52. Section 341A.11, unnumbered paragraph 1, Code
27 2011, is amended to read as follows:

28 The tenure of every deputy sheriff holding an office or
29 position of employment under the provisions of this chapter
30 shall be conditional upon a probationary period. If the
31 employee has successfully completed training at ~~the Iowa a~~ a law
32 ~~enforcement academy~~ training school or a regional training
33 facility certified by the ~~director of the Iowa~~ law enforcement
34 ~~academy~~ training council prior to initial appointment as a
35 deputy sheriff, the probationary period shall be for a period

1 of up to nine months and shall commence with the date of
2 initial appointment as a deputy sheriff. If the employee
3 has not successfully completed training at ~~the Iowa~~ a law
4 enforcement ~~academy~~ training school or a regional training
5 facility certified by the ~~director of the Iowa~~ law enforcement
6 ~~academy~~ training council prior to initial appointment as a
7 deputy sheriff, the probationary period shall commence with
8 the date of initial employment as a deputy sheriff and shall
9 continue for a period of up to nine months following the
10 date of successful completion of training at the ~~Iowa~~ law
11 enforcement ~~academy~~ training council or a regional training
12 facility certified by the ~~director of the Iowa~~ law enforcement
13 ~~academy~~ training council. During the probationary period, the
14 appointee may be removed or discharged by the sheriff without
15 the right of appeal to the commission. Each deputy sheriff who
16 transfers from one jurisdiction to another shall be employed
17 subject to a probationary period of up to nine months. After
18 the probationary period, the deputy sheriff may be removed or
19 discharged, suspended without pay, demoted, or reduced in rank,
20 or deprived of vacation privileges or other privileges for any
21 of the following reasons:

22 Sec. 53. Section 384.15, subsection 7, unnumbered paragraph
23 1, Code 2011, is amended to read as follows:

24 Adopt rules for the administration of a law enforcement
25 officer training reimbursement program by the director of the
26 department of management. A decision of the director may be
27 appealed by a city or county to the committee. The program
28 shall provide reimbursement to a city or county for necessary
29 and actual expenses incurred in training a law enforcement
30 officer who resigns from law enforcement service with the
31 city or county within four years after completion of the law
32 enforcement training. The reimbursable training expenses
33 include mileage, food, lodging, tuition, replacement of an
34 officer while the officer is in training if the replacement
35 officer is a temporary employee hired for that purpose only

1 or is on overtime status, and salary costs of the officer
2 while in training. The law enforcement training eligible for
3 reimbursement is the minimum law enforcement officer training
4 required under ~~chapter 80B~~ chapters 80 and 260D and, if funding
5 is available, approved advanced law enforcement training and
6 reserve officer training required under chapter 80D. The
7 committee shall adopt rules prescribing application forms,
8 expense documentation, and procedures necessary to administer
9 the reimbursement program.

10 Sec. 54. Section 400.8, subsection 3, Code 2011, is amended
11 to read as follows:

12 3. All appointments to such positions shall be conditional
13 upon a probation period of not to exceed six months, and in
14 the case of police dispatchers and fire fighters a probation
15 period not to exceed twelve months. In the case of police
16 patrol officers, if the employee has successfully completed
17 training at ~~the Iowa law enforcement academy~~ training school or
18 another training facility certified by the ~~director of the Iowa~~
19 ~~law enforcement academy~~ training council before the initial
20 appointment as a police patrol officer, the probationary
21 period shall be for a period of up to nine months and shall
22 commence with the date of initial appointment as a police
23 patrol officer. If the employee has not successfully completed
24 training at ~~the Iowa~~ a law enforcement academy training school
25 or another training facility certified by the ~~director of~~
26 ~~the law enforcement academy~~ training council before initial
27 appointment as a police patrol officer, the probationary
28 period shall commence with the date of initial employment as
29 a police patrol officer and shall continue for a period of up
30 to nine months following the date of successful completion of
31 training at ~~the Iowa~~ a law enforcement academy training school
32 or another training facility certified by the ~~director of~~
33 ~~the Iowa law enforcement academy~~ training council. A police
34 patrol officer transferring employment from one jurisdiction to
35 another shall be employed subject to a probationary period of

1 up to nine months. However, in cities with a population over
2 one hundred seventy-five thousand, appointments to the position
3 of fire fighter shall be conditional upon a probation period
4 of not to exceed twenty-four months. During the probation
5 period, the appointee may be removed or discharged from such
6 position by the appointing person or body without the right
7 of appeal to the commission. A person removed or discharged
8 during a probationary period shall, at the time of discharge,
9 be given a notice in writing stating the reason or reasons
10 for the dismissal. A copy of such notice shall be promptly
11 filed with the commission. Continuance in the position after
12 the expiration of such probationary period shall constitute a
13 permanent appointment.

14 Sec. 55. Section 456A.14, Code 2011, is amended to read as
15 follows:

16 **456A.14 Temporary appointments — peace officer status.**

17 The director may appoint temporary officers for a period
18 not to exceed six months and may adopt minimum physical,
19 educational, mental, and moral requirements for the temporary
20 officers. ~~Chapter 80B does~~ Chapters 80 and 260D do not apply
21 to the temporary officers. Temporary officers have all the
22 powers of peace officers in the enforcement of this chapter and
23 chapters 321G, 321I, 456B, 461A, 461B, 462A, 462B, 463B, 465C,
24 481A, 481B, 482, 483A, 484A, and 484B, and the trespass laws.

25 Sec. 56. Section 462A.2, subsection 28, paragraph e, Code
26 2011, is amended to read as follows:

27 e. Any other certified law enforcement officer as defined
28 in section ~~80B.3~~ 80.1A, who has satisfactorily completed an
29 approved course relating to operating while intoxicated, either
30 ~~at the Iowa a law enforcement academy~~ training school under
31 chapter 260D or in a law enforcement training program approved
32 by the department of public safety.

33 Sec. 57. Section 805.1, subsection 3, paragraph a, Code
34 2011, is amended to read as follows:

35 a. State and local law enforcement agencies in the state

1 of Iowa may cooperate to formulate uniform guidelines that
2 will provide for the maximum possible use of citations in lieu
3 of arrest and in lieu of continued custody for offenses for
4 which citations are authorized. These guidelines shall be
5 submitted to the ~~Iowa~~ law enforcement ~~academy~~ training council
6 for review. The ~~Iowa~~ law enforcement ~~academy~~ training council
7 shall then submit recommendations to the general assembly no
8 later than January 1, 1984.

9 Sec. 58. Section 817.3, Code 2011, is amended to read as
10 follows:

11 **817.3 Certified law enforcement officers — oaths,**
12 **signatures, and testimony.**

13 A law enforcement officer, as defined in section ~~80B.3~~
14 80.1A, who is certified by the ~~Iowa~~ a law enforcement ~~academy~~
15 training school under chapter 260D, may administer oaths,
16 acknowledge signatures, and take voluntary testimony pursuant
17 to the officer's duties as provided by law.

18 Sec. 59. NEW SECTION. **904.120 Jailer training standards.**

19 The director, in consultation with the law enforcement
20 training council, the Iowa state sheriffs' and deputies'
21 association, and the Iowa association of chiefs of police and
22 peace officers, shall adopt rules in accordance with chapter
23 17A establishing minimum standards and fees for the training
24 of jailers.

25 Sec. 60. MISCELLANEOUS TRANSITION PROVISIONS.

26 1. The initial membership of the law enforcement training
27 council shall be composed of the membership of the Iowa law
28 enforcement academy council.

29 2. Effective on or after July 1, 2011, as determined by
30 the law enforcement training council created pursuant to this
31 division of this Act, all of the membership of the Iowa law
32 enforcement academy council shall be redesignated to serve as
33 the membership of the initial law enforcement training council.

34 3. Until the law enforcement training council and the
35 department of public safety have adopted administrative

1 rules to implement the provisions of this Act, the department
2 of public safety shall apply the relevant rules adopted to
3 implement the Iowa law enforcement academy and the Iowa law
4 enforcement academy council. The rules shall include measures
5 to ensure there is continuity of services in the transition
6 from the Iowa law enforcement academy and the Iowa law
7 enforcement academy council to the law enforcement training
8 council and the department of public safety. The rules shall
9 also address the transition of contracts entered into by the
10 Iowa law enforcement academy and the Iowa law enforcement
11 academy council.

12 Sec. 61. REPEAL. Chapter 80B, Code 2011, is repealed.

13 EXPLANATION

14 This bill relates to and makes appropriations to the justice
15 system.

16 DIVISION I — APPROPRIATIONS. The division makes
17 appropriations from the general fund of the state for fiscal
18 year 2011-2012 to the departments of justice, corrections,
19 public defense, and public safety, and the law enforcement
20 council, office of the state public defender, board of parole,
21 and Iowa state civil rights commission.

22 The division appropriates moneys from the department of
23 commerce revolving fund to the office of consumer advocate of
24 the department of justice.

25 The division also appropriates moneys from the gaming
26 enforcement revolving fund to the department of public safety.

27 The division also provides that for each additional license
28 to conduct gambling games on an excursion gambling boat,
29 gambling structure, or racetrack enclosure issued for the
30 fiscal year beginning on July 1, 2011, there is appropriated
31 from the gaming enforcement fund to the department of public
32 safety for the fiscal year beginning July 1, 2011, and ending
33 June 30, 2012, an additional amount of not more than \$521,000
34 to be used for not more than 6.00 additional full-time
35 equivalent positions.

1 The division extends the fiscal period that increases
2 the annual appropriations from the consumer education and
3 litigation fund in Code section 714.16C, to the department of
4 justice. The division extends the fiscal period authorizing
5 such increases from the fiscal period beginning on July
6 1, 2008, and ending on June 30, 2011, to the fiscal period
7 beginning on July 1, 2008, and ending June 30, 2013. By
8 extending the fiscal period that authorizes increased
9 appropriations from the consumer education and litigation fund,
10 the division also extends the fiscal period that moneys may be
11 allocated from the consumer education and litigation fund to
12 the victim compensation fund for cash flow purposes, if the
13 moneys so allocated are returned to the consumer and education
14 litigation fund by the end of each fiscal year the allocation
15 occurs.

16 DIVISION II — LAW ENFORCEMENT TRAINING COUNCIL. The
17 division eliminates the Iowa law enforcement academy and
18 repeals Code chapter 80B relating to the establishment of the
19 academy.

20 The division transfers the duties of the Iowa law
21 enforcement academy council to the law enforcement training
22 council under the purview of the department of public safety
23 on July 1, 2011. The transfer of the duties of the Iowa law
24 enforcement academy council to the law enforcement training
25 council does not result in the removal of an appointed member
26 or lengthen or shorten the terms of the current appointed
27 members.

28 The division moves the telecommunicator training under the
29 purview of the department of public safety. The division
30 provides the department shall adopt rules and establish minimum
31 standards and fees for the training of a telecommunicator. A
32 "telecommunicator" means a person who receives requests for,
33 or dispatches requests to, emergency response agencies which
34 include but are not limited to law enforcement, fire, rescue,
35 and emergency medical services agencies. Under current law,

1 the Iowa law enforcement academy provides such training.

2 Under the division, it is the intent of the general assembly
3 to maximize training opportunities for law enforcement officers
4 throughout the state under the coordination and direction
5 of the newly created law enforcement training council. The
6 division authorizes the community colleges to create law
7 enforcement training schools for the certification of law
8 enforcement officers in this state.

9 The bill modifies the fees a community college may charge a
10 candidate for attending a law enforcement training school from
11 the current fee structure in Code section 80B.11B.

12 The division also permits the law enforcement training
13 school to use the funds raised from the fees to fulfill the
14 obligations of the law enforcement training school to train and
15 certify a law enforcement officer. This provision currently
16 exists for fees charged by the Iowa law enforcement academy
17 under current law.

18 The division provides that an individual who is not a
19 certified law enforcement officer may apply for attendance
20 at a law enforcement training school if the individual is
21 sponsored by a law enforcement agency that either intends to
22 hire or has hired the individual as a law enforcement officer.
23 This provision currently exists for individuals under similar
24 circumstances who attend the Iowa law enforcement academy.

25 The division provides a law enforcement officer who is a
26 member of a police force of a tribal government who becomes
27 certified by a community college law enforcement training
28 school shall be subject to the certification and revocation
29 of certification rules and procedures as other certified law
30 enforcement officers, as is the case under current law as well.

31 The division transfers the authority to establish standards
32 for jailer training from the Iowa law enforcement academy to
33 the department of corrections. The division requires the
34 director of the department of corrections in consultation with
35 the law enforcement council, the Iowa state sheriffs' and

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1 deputies' association, and the Iowa association of chiefs of
2 police and peace officers, to adopt rules in accordance with
3 Code chapter 17A for the establishment of minimum standards and
4 fees for the training of jailers.

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